

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------------|---|-------------------|
| EMILIO R. PAVON, |) | 4:07CV3020 |
| |) | |
| Plaintiff, |) | MEMORANDUM |
| vs. |) | AND ORDER |
| |) | |
| MADISON COUNTY SHERIFF, et al., |) | |
| |) | |
| Defendants. |) | |

Plaintiff has filed a motion for leave to file an amended complaint (filing 28), but has failed to advise the court regarding the nature of the proposed amendment(s), as required by our local rules:

A party who moves for leave to amend a pleading (including a request to add parties) shall file as an attachment to the motion an unsigned copy of the proposed amended pleading. Except as provided in these rules or by leave of court, the proposed amended pleading must be a complete pleading which, if allowed to be filed, supersedes the pleading amended in all respects; no portion of the prior pleading may be incorporated into the proposed amended pleading by reference. The motion for leave to amend shall set forth specifically the amendments proposed to be made to the original pleading, state whether the motion is unopposed, and identify the amendments in the proposed amended pleading.

NECivR 15.1(a). The fact that Plaintiff appears pro se does not excuse his failure to comply with these filing requirements. *See* NEGenR 1.3(g) (“Except as otherwise expressly provided, all litigants who are proceeding pro se shall be bound by and comply with all local rules and administrative procedures and with the federal rules of procedure.”). Consequently, his motion for leave to amend will be denied.

The court notes that the defendant Aramark Correctional Services, Inc., filed a motion for summary judgment on August 17, 2007 (filing 32), after Plaintiff filed

his motion for leave to amend. Although the summary judgment motion is now ripe for determination, Plaintiff will be granted an additional time to file a response to the summary judgment motion if he so desires.

Plaintiff also filed a motion for an enlargement of time, until July 13, 2007, to respond to certain discovery requests (filing 27). Because that date has since passed, and the defendants have not filed a motion to compel discovery, the motion will be treated as moot and denied without prejudice.

Accordingly,

IT IS ORDERED that:

1. Plaintiff's motion for leave to file an amended complaint (filing 28) is denied.
2. Plaintiff's motion for an enlargement of time (filing 27) is denied without prejudice, as moot.
3. Plaintiff shall have until October 12, 2007, to respond to the motion for summary judgment filed by the defendant Aramark Correctional Services, Inc. (filing 32).
4. The clerk of the court is directed to set a pro se case management deadline in this case using the following text: "October 12, 2007: plaintiff's response due to summary judgment motion."

September 20, 2007.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge